

**TOWN COUNCIL MINUTES**  
**Town Hall Council Chambers**  
**Zoom # 825 3607 6897**  
**November 14, 2022, Monday**

Present: Arthur Mathews, President  
Michael Molisse, Vice President  
John Abbott, Councilor  
Lisa Belmarsh, Councilor  
Pascale Burga, Councilor  
Kenneth DiFazio, Councilor  
Fred Happel, Councilor  
Christopher Heffernan, Councilor  
Maureen Kiely, Councilor  
Gary MacDougall, Councilor  
Greg Shanahan, Councilor

Also Present: Kathleen Deree, Town Clerk  
Richard McLeod, Town Solicitor  
Brian Connolly, Town Auditor  
James Malary, Director of Municipal Finance

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with all Councilors present.

MINUTES

**Town Council Meeting Minutes of October 17, 2022**

Vice President Molisse motioned to approve the minutes from the October 17, 2022 Town Council meeting and was seconded by Councilor Kiely. Unanimously voted.

**Public Works Committee Meeting Minutes of October 12, 2022**

Vice President Molisse motioned to approve the minutes from the October 17, 2022 Public Works Committee meeting and was seconded by Councilor Kiely. Unanimously voted.

**COMMUNICATIONS AND REPORTS FROM THE MAYOR, TOWN OFFICERS AND TOWN BOARDS**

**22 132-FY23 Tax Classification**

On behalf of Mayor Hedlund, James Malary requested that the Town of Weymouth approve a Classification Tax Rate Shift of 1.46 for commercial, industrial, and personal property taxes with no residential exemption for fiscal year 2023.

Vice President Molisse motioned to refer the measure to the Budget/Management Committee and was seconded by Councilor Kiely. President Mathews announced that a public hearing has been scheduled. Unanimously voted.

**22 133-Acceptance of Gift & Creation of Donation Account**

On behalf of Mayor Hedlund, James Malarly requested that the Town of Weymouth, through Town Council, authorize the acceptance of three (3) bequests of Sandra Cunningham in accordance with the terms outlined in her Trust, attached hereto for reference, and to further authorize the creation of three (3) Sandra Cunningham Donation accounts as follows:

1. Sandra Cunningham Donation Account for the benefit of the Tufts Library; approximately \$13,000 bequest comprised of 1% of residue of the Estate;
2. Sandra Cunningham Donation Account for the benefit of Elder Services; approximately \$13,000 bequest comprised of 1% the residue of the Estate;
3. Sandra Cunningham Donation Account for the benefit of the Town of Weymouth Scholarship Fund; Approximately \$39,000 bequest comprised of 3% the residue of the Estate

None of these bequests are restricted in use and department authorization, with consent of the Mayor, should be granted to expend each of those funds to the limit of the bequest.

Vice President Molisse motioned to refer the measure to the Budget/Management Committee and was seconded by Councilor Kiely. Unanimously voted.

**22 134-Acceptance of Land Donation for Park Purposes**

One behalf of Mayor Hedlund, James Malarly requested that the Town of Weymouth, through Town Council, authorize the acceptance of a land bequest of land, for park purposes, located on the corner of Washington and Broad Streets, Weymouth, Massachusetts, having a description as follows:

“Lot 2,” Donated Town Lot

A certain parcel of land shown on a plan entitled “APPROVAL NOT REQUIRED WASHINGTON & BROAD STREET, WEYMOUTH, MA” drawn by Town of Weymouth Department of Public Works Engineering Division, dated September 20, 2022, to be recorded herewith.

Beginning at a Stone Bound Back Center (SBBC), along the southerly side of Route 53 (Washington Street), to the south of the intersection of Broad Street and Washington Street, along the easterly line of #217-219 Washington Street, Town of Weymouth Assessor’s Sheet 20 Block 275 Lot 19, said SBBC being the continuance of Route 53, marked as MHB SBBC on a plan recorded herewith, thence running; N 56°31’44’ E a distance of 60.00’ to a Point of Intersection (PI), marked as P.O.B. 1 on said plan, the point of beginning, thence running;

N 33°26’26” W a distance of 34.32’, to a point of Curvature (PC), thence running;

along a curve turning to the right with a radius of 12.00' with an arc length of 21.11', with a delta of 100°47'00" with a chord bearing of N 16°57'04" E, with a chord length of 18.49', to a Point of Tangency (PT), thence running;

S22°39'26" a distance of 3.84' to a PI, thence running;

N 71°22'34" E a distance of 25.50', to a PI, thence running;

S 08°52'59" E a distance of 53.23', to a PI, thence running;

S 56°36'26" W a distance of 16.05', to a PI thence running;

N 33°28'16" W a distance of 12.59' to a PI, to the; which is the point of beginning.

Having an area of 1505.7 Square Feet, 0.035 Acres, & and Perimeter of 1676.6'

Vice President Molisse motioned to refer the measure to the Budget/Management Committee and was seconded by Councilor Kiely. Unanimously voted.

## **REPORTS OF COMMITTEES**

### **Budget/Management Committee-Chair Michael Molisse**

Vice President Molisse reported that the Budget/Management Committee met on November 14, 2022 to deliberate the following:

#### **22 129- Appointment to Board of Registrars- Marie Stoeckel**

This measure was referred to the Budget/Management Committee on October 17, 2022. The committee met on November 14, 2022 and voted to forward the measure to the full Town Council with a recommendation for unfavorable action.

Marie Stoeckel was invited to the table and she presented her qualifications and interest.

On behalf of the Budget/Management Committee, Vice President Molisse motioned to deny approval of measure 22 129; that the town of Weymouth appoint Marie Stoeckel of 63 Alroy Road to Board of Registrars for a term to expire on June 30, 2025.

Councilor Kiely seconded the motion. A brief discussion followed.

Councilor DiFazio asked the basis for denial of the appointment. Vice Chair Molisse responded that the administration did not supply an adequate selection of candidates, nor did credentials accompany any of the recommendations from the Mayor's office. He disliked the process but assured the candidate that it in no way is a personal reflection on her. Councilor DiFazio suggested continuing the matter to give the Mayor the opportunity to provide the materials that should have been submitted with the request for appointment. President Mathews pointed out that the appointments require action taken within a certain number of days, and they are at the

deadline for this one, so it therefore cannot be delayed further. (There was no meeting the first week of November due to the election.)

Councilor DiFazio asked the candidate to provide her information to the Council, and she briefly explained her background.

President Mathews responded that the Council is provided with a resume or background with 99% of applications. Councilor DiFazio asked if there is any other basis for the Council to deny the application than the lack of a resume. Vice President Molisse responded that the action taken by the Budget/Management Committee was due to the process. Councilor DiFazio asked the Solicitor if there is any regulation, ordinance or procedure requiring a resume in order to put forward a candidate. Solicitor McLeod responded that he is not aware, but concurs with the President that, in his experience, all submissions are accompanied by resumes.

A roll call vote was taken:

Councilor Abbott	YES
Councilor Belmarsh	YES
Councilor Burga	YES
Councilor DiFazio	NO
Councilor Happel	YES
Councilor Heffernan	YES
Councilor Kiely	YES
Councilor McDougall	YES
Councilor Shanahan	YES
Vice President Molisse	YES
President Mathews	NO

Voted 9-2 to deny the appointment. Councilor DiFazio asked if this vote means the applicant cannot be put forward again. The solicitor responded that he would have to research the charter regarding a reconsideration.

### **22 130- Reserve Fund Transfer- Unpaid Bill**

This measure was referred to the Budget/Management Committee on October 17, 2022. The committee met on November 14, 2022 and voted to forward the measure to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, Vice President Molisse motioned to approve measure 22 130; that the Town of Weymouth transfer the sum of \$9,175 from the Reserve Fund for the purpose of paying the following unpaid bill from FY22:

<u>Unpaid Bill</u>	<u>Department</u>	<u>Amount</u>
Stone Consulting, Inc. (inv. #57-062022)	Municipal Finance	\$9,175.00

Furthermore; that the Town Accountant is authorized to pay such bills. Councilor Kiely seconded the motion. Unanimously voted.

NEW BUSINESS

**Amendment to Code of Ordinances, Section 8-408 Openings in Streets Restricted-  
Councilor Gary MacDougall**

Councilor MacDougall presented the proposed amendment:

Proposed measure to change code 8-408 and strike the following words, “In General” from code 8-408.

Reason and Rationale

The term “In General”, leaves open for interpretation, that permission can be granted to open a street before the code’s 5 years restriction.

Removing this term will ensure that there is no room for interpretation.

Existing code:

§ 8-408. Openings in streets restricted.

1. (a) In general. No street, road or highway in the Town shall be opened for installation of sewers, water mains, drains, public utilities or other purposes, except for emergency services, for five years after such street, road or highway has been reconstructed, rebuilt or relocated. Prior to reconstruction, rebuilding or relocation of any street, road or highway, the Department of Public Works shall notify the telephone, gas and electric companies not less than three months before actual work will be started.

Proposed change, strike two words “In General” from the code:

§ 8-408. Openings in streets restricted.

1. (a) ~~In general~~. No street, road or highway in the Town shall be opened for installation of sewers, water mains, drains, public utilities or other purposes, except for emergency services, for five years after such street, road or highway has been reconstructed, rebuilt or relocated. Prior to reconstruction, rebuilding or relocation of any street, road or highway, the Department of Public Works shall notify the telephone, gas and electric companies not less than three months before actual work will be started.

Final to replace 8-408:

§ 8-408. Openings in streets restricted.

1. (a) No street, road or highway in the Town shall be opened for installation of sewers, water mains, drains, public utilities or other purposes, except for emergency services, for five years after such street, road or highway has been reconstructed, rebuilt or relocated. Prior to reconstruction, rebuilding or relocation of any street, road or highway, the

Department of Public Works shall notify the telephone, gas and electric companies not less than three months before actual work will be started.

Vice President Molisse motioned to refer the matter to the Ordinance Committee and was seconded by Councilor Kiely. A measure number will be assigned. Unanimously voted.

## **MOTIONS, ORDERS AND RESOLUTIONS**

### **ADJOURNMENT**

The next regularly scheduled meeting of the Town Council is November 21, 2022. At 7:59 PM; there being no further business, Vice President Molisse motioned to adjourn the meeting and was seconded by Councilor Kiely. Unanimously voted.

Respectfully Submitted by Mary Barker as Recording Secretary

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Approved by Arthur Mathews as President of the Town Council

Voted unanimously on 5 December 2022